

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts  
Southern District of Texas  
FILED

September 27, 2018

David J. Bradley, Clerk of Court

United States of America

v.

JOSE SERGIO CONTRERAS

Case No.

H18-1514M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 30, 2013 to August 22, 2018 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

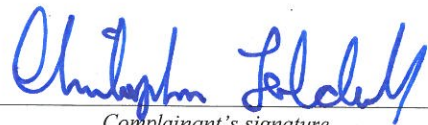
8 U.S.C. sec. 1253(a)(1)

## Offense Description

Failure to depart the United States within 90 from the date of a final order of removal, conniving, conspiring and taking action designed to prevent or hamper with the purpose of preventing or hampering the alien's removal, and failing or refusing to present himself for removal at the time and place required by the Attorney General

This criminal complaint is based on these facts:

See attached affidavit

☐ Continued on the attached sheet.

Complainant's signature

HSI SA Christopher Lobdell

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/27/2018City and state: Houston, Texas

Judge's signature

The Honorable Peter Bray, U.S. Magistrate Judge

Printed name and title

STATE OF TEXAS            )  
                                      )  
COUNTY OF HARRIS        )

**AFFIDAVIT**

1. I, Christopher Lobdell, being duly sworn, do hereby state that I am a Special Agent with the Department of Homeland Security, U.S. Immigration and Customs Enforcement, Homeland Security Investigations (HSI). Prior to the creation of the Department of Homeland Security in March 2003, I was a Customs and Border Protection Officer as well as a police officer for the Cuyahoga County Metropolitan Housing Authority headquartered in Cleveland, Ohio. I have over 13 years of experience as a Special Agent and am currently assigned to the Texas Anti-Gang Center in Houston, Texas. As part of my duties as a HSI Special Agent, I investigate and have training and experience in the investigation of, criminal violations of federal law, including violations of 8 USC 1325 – Unlawful Entry, 8 USC 1326 – Illegal Reentry, and 8 USC 1253 – Failure to Depart.

2. I submit this affidavit in support of the attached complaint charging Jose Sergio Contreras (“Defendant”) with a violation of 8 USC 1253 – Failure to Depart.

3. According to the documents contained in Defendant’s A-File (A205-379-534), which include findings by the immigration judge, his own travel document application, the April 3, 2012 Form I-213 Report of Deportable/Inadmissible Alien, and Defendant’s own statements from his May 10, 2012 credible fear interview, Defendant is a native, citizen and national of El Salvador and is not a native, citizen or national of the United States.

4. On April 1, 2012, Defendant was encountered by the United States Border Patrol in Sarita, Texas.

5. On May 21, 2012, when Defendant was released from immigration custody

following the abovementioned credible fear interview on an Order of Release on Recognizance, he indicated that his address was 13949 Bammel N. Houston, Road, Apartment 1112, Houston, Texas 77066. He was informed that he must notify both Immigration and Customs Enforcement and the Immigration Court should his address change. He never made any such notifications.

6. On April 23, 2013, after being sent a notice of his immigration hearing on that date, which was mailed to 13949 Bammel N. Houston, Road, Apartment 1112, Houston, Texas 77066, Defendant was issued a final order of removal in absentia from the United States to El Salvador by Immigration Judge Anibal D. Martinez in San Antonio, Texas.

7. On April 29, 2013, a Notice to Removable Alien was mailed to Defendant at 13949 Bammel North Houston, Road, Apartment 1112, Houston, Texas 77066. The Notice informed him that “arrangements have been made for your departure to El Salvador on May 30, 2013 from San Antonio, Texas. . . . You should report to a United States Immigration Office . . . at 8940 Fourwinds Drive, San Antonio, Texas at 9:00 or nearest ICE Office.” The Notice was mailed to Defendant via certified mail return receipt. On either May 15, 2013 or May 20, 2013, Defendant signed the return receipt acknowledging receipt of the notice.

8. Defendant failed to appear on May 30, 2013 pursuant to the abovementioned Notice and has never departed the United States since his illegal entry prior to April 1, 2012, which is the date on which he was apprehended by the Department of Homeland Security. Moreover, all efforts to locate him since his failure to appear on May 30, 2013 have been unsuccessful.

9. On August 22, 2018, Department of Homeland Security agents, as well as agents and officers of the Federal Bureau of Investigation and Houston Police Department,

encountered Defendant at 14355 Cornerstone Village Drive, #619, Houston, Texas 77014 while executing a state arrest warrant for Murder for three other individuals residing at that location who were documented MS-13 members. Defendant, who is a documented MS-13 gang associate in the Texas Department of Public Safety Gang Database System with identification number 137970, was residing at that location as he was found sleeping at that location and it appeared to be a residence as opposed to a stash house as it had a well maintained with food and substantial clothing of the Defendant. Moreover, there is no evidence that, at that time, he was still living at 13949 Bammel North Houston Road, #1112, Houston, Texas 77066.

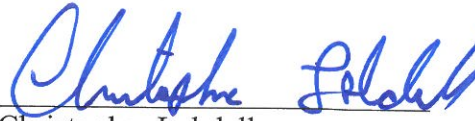
10. Based on the abovementioned information, Defendant is an alien with a final order of deportation who failed and refused to depart the United States more than 90 days after that order became final. In addition, Defendant failed and refused to make himself present for removal at the time and place required by the Attorney General.<sup>1</sup> Lastly, since the issuance of the final order of removal Defendant has connived, conspired and taken other actions designed to prevent and hamper, and the purpose of which was to prevent or hamper, his departure in that he did not show up when required for his deportation and changed addresses without notifying immigration authorities so that he could continue his unlawful presence without being apprehended following his scheduled deportation

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<sup>1</sup> This authority was transferred to the Department of Homeland Security pursuant to 6 U.S.C. §§ 202(3) and (4) and 6 U.S.C. § 557.



I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed on August \_\_, 2018, at Houston, Texas.



Christopher Lobdell  
Special Agent  
Homeland Security Investigations

Subscribed and sworn before me on this 27<sup>th</sup> day of August, 2018.



THE HONORABLE PETER BRAY  
UNITED STATES MAGISTRATE